

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/17/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NILDO VILCA,

Plaintiff,

-against-

BTB EVENTS & CELEBRATIONS, INC. d/b/a
BETWEEN THE BREAD, BTB HOSPITALITY
CORP., BETWEEN THE BREAD 55TH INC.,
RICKY EISEN and SEAN MARTIN,

Defendants.

1:19-cv-06577 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On February 6, 2020, this case was reassigned to me. Previously, on November 18, 2019, this action had been referred to Magistrate Judge Freeman for General Pretrial purposes. [ECF No. 30]. On September 10, 2021, the Court was advised that the parties had reached an agreement, consensually resolving the case. [ECF No. 61]. On September 26, 2021, the Court entered an order directing the parties to submit an executed settlement agreement with a *Cheeks* application for approval. [ECF No. 62]. There are also open motions pending in this case, which the Court has carefully reviewed.

IT IS HEREBY ORDERED that the Order of Reference to Magistrate Judge Freeman for General Pretrial services be closed.

IT IS FURTHER ORDERED that the unopposed motion of Plaintiff for leave to substitute for the deceased party, defendant Ricky Eisen, the legally appointed representatives of her estate, Jonathan Eisen, Jessica Eisen and Iven R. Taub, Esq., pursuant to Federal Rule of Civil Procedure 25 [ECF No. 44], is GRANTED.

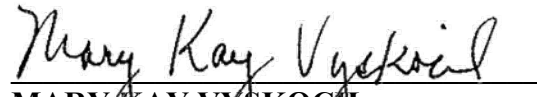
IT IS FURTHER ORDERED that the parties' deadline to file an application for approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F. 3d 199 (2d Cir. 2015) of their

settlement agreement is extended to December 29, 2021. Any requests for further extensions of the deadline to file their *Cheeks* materials are discouraged. Any such request must include a detailed explanation of why a further extension is required. Further, any application for approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F. 3d 199 (2d Cir. 2015) should include an explanation of how Plaintiff's Motion to Substitute will impact the settlement agreement.

The Clerk of Court is respectfully requested to close docket entries 44 and 67.

SO ORDERED.

Date: December 17, 2021
New York, NY


MARY KAY VYSKOCIL
United States District Judge